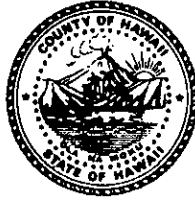


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 08 150 BILL NO. 364
(DRAFT 3)

AN ORDINANCE AMENDING ORDINANCE NO. 465 WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 1 ACRE (A-1a) TO NEIGHBORHOOD COMMERCIAL – 7,500 SQUARE FEET (CN-7.5) AT KEALAKEKUA, SOUTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 8-2-13:PORTION OF 2.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Ordinance No. 465 is amended as follows:

“SECTION 1. Section ~~[7.03]~~ 25-8-4, Article ~~[2]~~ 8, Chapter ~~[8]~~ 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), ~~[as amended, is hereby further amended by adding hereto the following subsection]~~ is amended to change the district classification of property described hereinafter as follows:

~~[7.03 (-z-)]~~ The district classification of the following area situated at Kealahakua, South Kona, Hawai'i, shall be Neighborhood Commercial – 7,500 square feet (CN-7.5):

~~[This ordinance shall take effect forthwith upon the conditions that]~~

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
- (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or

(B) Fulfillment of the need for public service demands created by the proposed use.

- ~~[(A) the petitioner or his authorized representative shall submit a subdivision plan and secure tentative approval within one (1) year from the effective date of the approval of the change of zone. The petitioner/representative shall also be responsible for securing final subdivision approval;~~
- ~~(B) construction of commercial structures shall commence on two (2) of the proposed lots within one (1) year of receipt of final subdivision approval. Construction shall be completed within two (2) years thereafter;~~
- ~~(C) the requirements of the County Department of Water Supply shall be complied with; and~~
- ~~(D) all other applicable rules, regulations, and requirements, including the "Plan Approval" process shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated.]~~

- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty (180) days from the effective date of this ordinance.
- C. Construction of the proposed development shall be completed within three (3) years from the effective date of this ordinance. Prior to construction, the

applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawai'i County Code. Plans shall identify all existing and/or proposed structures, paved driveway access, and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).

- D. For construction and operation of the visitor education center, the applicant may secure a shared access from the Department of Parks and Recreation through the parking lot of the Arthur Greenwell Park and Yano Hall. The applicant shall not compromise the future improvement of the road lot to dedicable standards meeting with the approval of the Department of Public Works.
- E. This amendment to change the district classification of property is limited to a visitor center and related and accessory uses of a visitor center in substantial conformance to the description in the current application for reasons of public health, safety, and welfare due to flood hazards in the area.
- F. Any direct access from Mamalahoa Highway shall comply with the Department of Public Works and may require an exclusive left turn lane on Mamalahoa Highway and other improvements including but not limited to pavement widening, curb, gutter and sidewalk, drainage improvements, utility relocations, signs and markings at no cost to the County. Access to Mamalahoa Highway shall be limited to one approach.
- G. All driveway connections to a County Road shall conform to Chapter 22, Streets and Sidewalks, of the Hawai'i County Code and the County of Hawai'i Standard

Details.

- H. Install street lights, signs and markings as required by the Department of Public Works-Traffic Division.
- I. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to issuance of a construction permit. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.
- J. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.
- K. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.
- L. If the applicant, successors, or assigns develops residential units on the subject property, the applicant shall make its fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval. The fair share contribution for each lot shall be based on the actual number of residential units developed. The fair share contribution in a form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined

value of \$7,383.36 per multiple family residential unit (\$11,506.13 per single family residential unit). The total amount shall be determined with the actual number of units according to the calculation and payment provisions set forth in this condition.

The fair share contribution per multiple family residential unit shall be allocated as follows:

1. \$3,642.00 per multiple family residential unit (\$5,548.46 per single family residential unit) to the County to support park and recreational improvements and facilities;
2. \$115.11 per multiple family residential unit (\$267.66 per single family residential unit) to the County to support police facilities;
3. \$354.08 per multiple family residential unit (\$528.66 per single family residential unit) to the County to support fire facilities;
4. \$157.81 per multiple family residential unit (\$231.45 per single family residential unit) to the County to support solid waste facilities; and
5. \$3,114.36 per multiple family residential unit (\$4,929.90 per single family residential unit) to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the applicant may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council.

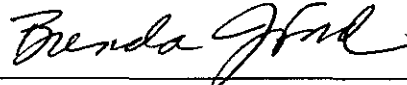
- M. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exaction or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- N. To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to final plan approval.
- O. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- P. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission and the Hawaii County Council for appropriate action.
- Q. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to it original or more appropriate designation.”

SECTION 2. Material to be deleted is bracketed and stricken. New material is underscored.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

Kona, Hawai'i

Date of Introduction: October 8, 2008
Date of 1st Reading: October 8, 2008
Date of 2nd Reading: October 22, 2008
Effective Date: November 5, 2008

REFERENCE: Comm. 1444.4

OFFICE OF THE COUNTY CLERK

County of Hawai'i

Kona, Hawai'i

(Draft 3)

RECEIVED

Introduced By: Brenda Ford
 Date Introduced: October 8, 2008
 First Reading: October 8, 2008
 Published: October 17, 2008

REMARKS: _____

Second Reading: October 22, 2008
 To Mayor: October 30, 2008
 Returned: November 5, 2008
 Effective: November 5, 2008
 Published: November 13, 2008

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Ford	X			
Higa	X			
Hoffmann	X			
Ikeda	X			
Jacobson			X	
Naeole	X			
Pilago	X			
Yagong	X			
Yoshimoto	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Ford	X			
Higa			X	
Hoffmann	X			
Ikeda	X			
Jacobson	X			
Naeole			X	
Pilago	X			
Yagong			X	
Yoshimoto			X	
	5	0	4	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

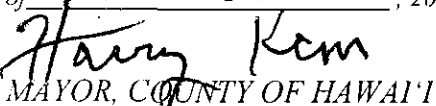
Date OCT 31 2008


COUNCIL CHAIRMAN


COUNTY CLERK

Approved/Disapproved this 5th day

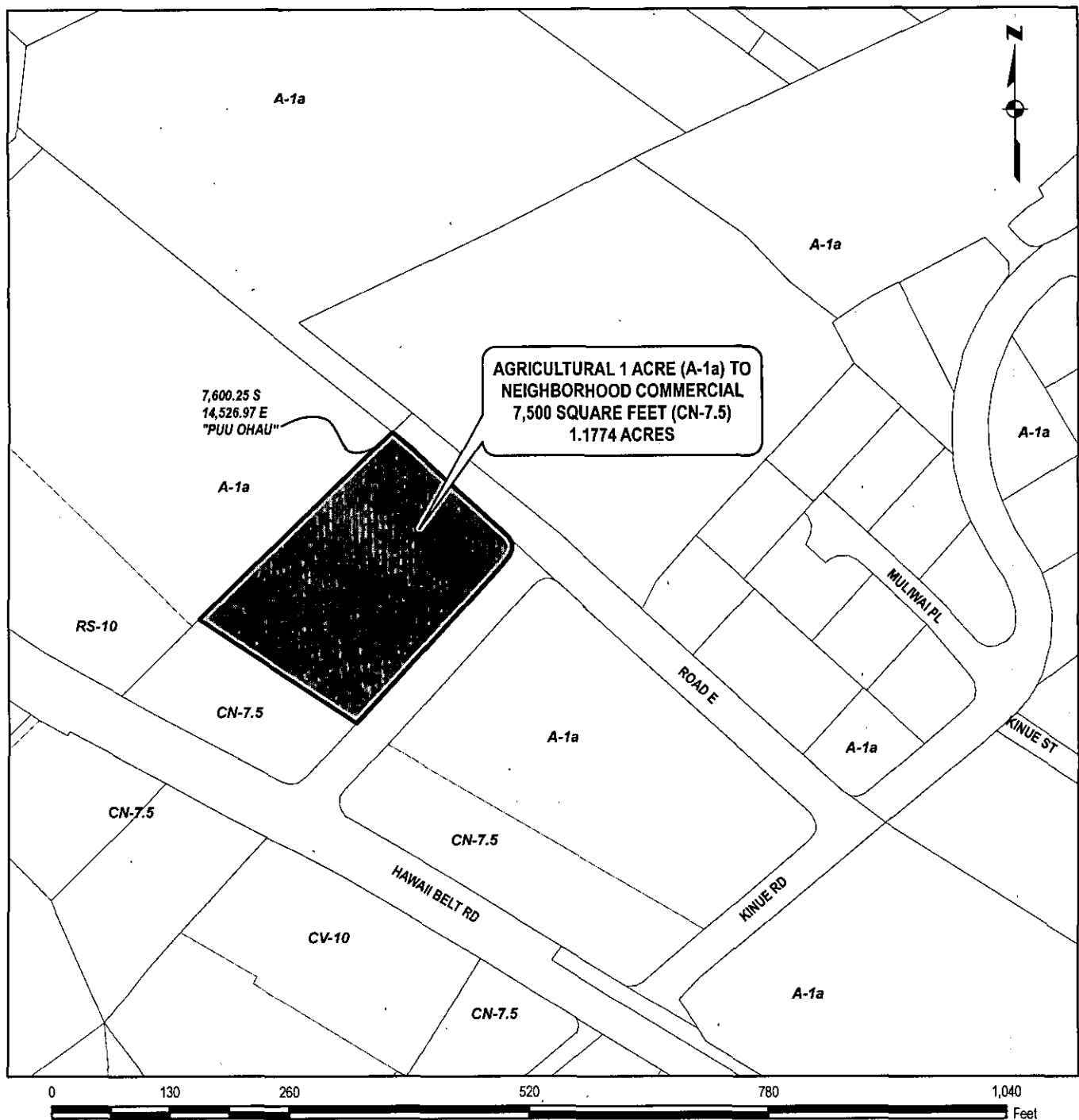
of November, 2008


MAYOR, COUNTY OF HAWAII

Bill No.: 364 (Draft 3)

Reference: C-1444.4/PC-93

Ord No.: 08 150



AN ORDINANCE AMENDING ORDINANCE 465
AMENDING SECTION 25-8-4 (SOUTH KONA ZONE MAP)
ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE
1983 (2005 EDITION), WHICH RECLASSIFIED THE DISTRICT CLASSIFICATION
FROM AGRICULTURAL 1-ACRE (A-1a) TO
NEIGHBORHOOD COMMERCIAL 7,500 SQUARE FEET (CN-7.5)
AT KEALAKEKUA, SOUTH KONA, HAWAII

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: 8-2-013:Por. 002

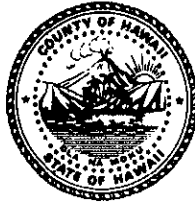
DATE: July 16, 2008

EXHIBIT "A"

(Amy B. H. Greenwell:1249)

Bill 364

COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. _____

BILL NO. 364
(DRAFT 2)

AN ORDINANCE AMENDING ORDINANCE NO. 465 WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 1 ACRE (A-1a) TO NEIGHBORHOOD COMMERCIAL – 7,500 SQUARE FEET (CN-7.5) AT KEALAKEKUA, SOUTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 8-2-13:PORTION OF 2.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Ordinance No. 465 is amended as follows:

“SECTION 1. Section ~~[7.03]~~ 25-8-4, Article ~~[2]~~ 8, Chapter ~~[8]~~ 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), ~~[as amended, is hereby further amended by adding hereto the following subsection]~~ is amended to change the district classification of property described hereinafter as follows:

~~[7.03 (z):]~~ The district classification of the following area situated at Kealahou, South Kona, Hawai'i, shall be Neighborhood Commercial – 7,500 square feet (CN-7.5):

~~[This ordinance shall take effect forthwith upon the conditions that]~~

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
- (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or

(B) Fulfillment of the need for public service demands created by the proposed use.

- ~~[(A) the petitioner or his authorized representative shall submit a subdivision plan and secure tentative approval within one (1) year from the effective date of the approval of the change of zone. The petitioner/representative shall also be responsible for securing final subdivision approval;~~
- ~~(B) construction of commercial structures shall commence on two (2) of the proposed lots within one (1) year of receipt of final subdivision approval. Construction shall be completed within two (2) years thereafter;~~
- ~~(C) the requirements of the County Department of Water Supply shall be complied with; and~~
- ~~(D) all other applicable rules, regulations, and requirements, including the "Plan Approval" process shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated.]~~

- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty (180) days from the effective date of this ordinance.

- C. Construction of the proposed development shall be completed within three (3) years from the effective date of this ordinance. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).
- D. For construction of the visitor education center, the applicant may secure a shared access from the Department of Parks and Recreation through the parking lot of the Arthur Greenwell Park and Yano Hall. The applicant shall not compromise the future improvement of the road lot to dedicable standards meeting with the approval of the Department of Public Works. The applicant shall be required to provide improvements as listed in Condition E if parking is expanded beyond the initial Phase I representation, except for any additional public parking.
- E. For commercial uses other than the visitor education center, the applicant shall provide improvements to the road lot that runs along the entire southeast frontage of the subject property, consisting of an intersection with Mamalahoa Highway, 20-foot wide pavement lane and concrete curb, gutter and sidewalk, drainage improvements, and any relocation of utilities meeting with the approval of the Department of Public Works prior to Certificate of Occupancy.
- F. Any direct access from Mamalahoa Highway shall comply with the Department of Public Works and may require an exclusive left turn lane on Mamalahoa Highway and other improvements including but not limited to pavement

widening, curb, gutter and sidewalk, drainage improvements, utility relocations, signs and markings at no cost to the County. Access to Mamalahoa Highway shall be limited to one approach.

G. All driveway connections to a County Road shall conform to Chapter 22, Streets and Sidewalks, of the Hawaii County Code and the County of Hawaii Standard Details.

H. Install street lights, signs and markings as required by the Department of Public Works-Traffic Division.

I. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to issuance of a construction permit. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.

J. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.

K. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.

L. If the applicant, successors, or assigns develops residential units on the subject property, the applicant shall make its fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval. The fair

share contribution for each lot shall be based on the actual number of residential units developed. The fair share contribution in a form of cash, land, facilities or any combination thereof shall be determined by the County Council. The fair share contribution may be adjusted annually beginning three years after the effective date of this ordinance, based on the percentage change in the Honolulu Consumer Price Index (HCPI). The fair share contribution shall have a combined value of \$7,383.36 per multiple family residential unit (\$11,506.13 per single family residential unit). The total amount shall be determined with the actual number of units according to the calculation and payment provisions set forth in this condition.

The fair share contribution per multiple family residential unit shall be allocated as follows:

1. \$3,642.00 per multiple family residential unit (\$5,548.46 per single family residential unit) to the County to support park and recreational improvements and facilities;
2. \$115.11 per multiple family residential unit (\$267.66 per single family residential unit) to the County to support police facilities;
3. \$354.08 per multiple family residential unit (\$528.66 per single family residential unit) to the County to support fire facilities;
4. \$157.81 per multiple family residential unit (\$231.45 per single family residential unit) to the County to support solid waste facilities; and
5. \$3,114.36 per multiple family residential unit (\$4,929.90 per single family residential unit) to the County to support road and traffic improvements.

In lieu of paying the fair share contribution, the applicant may contribute land and/or construct improvements/facilities related to parks and recreation, fire, police, solid waste disposal facilities and roads within the region impacted by the proposed development, subject to the review and recommendation of the Planning Director, upon consultation with the appropriate agencies and approval of the County Council.

- M. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exaction or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.
- N. To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to final plan approval.
- O. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.
- P. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission and the Hawaii County Council for appropriate action.

Q. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to it original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed and stricken. New material is underscored.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

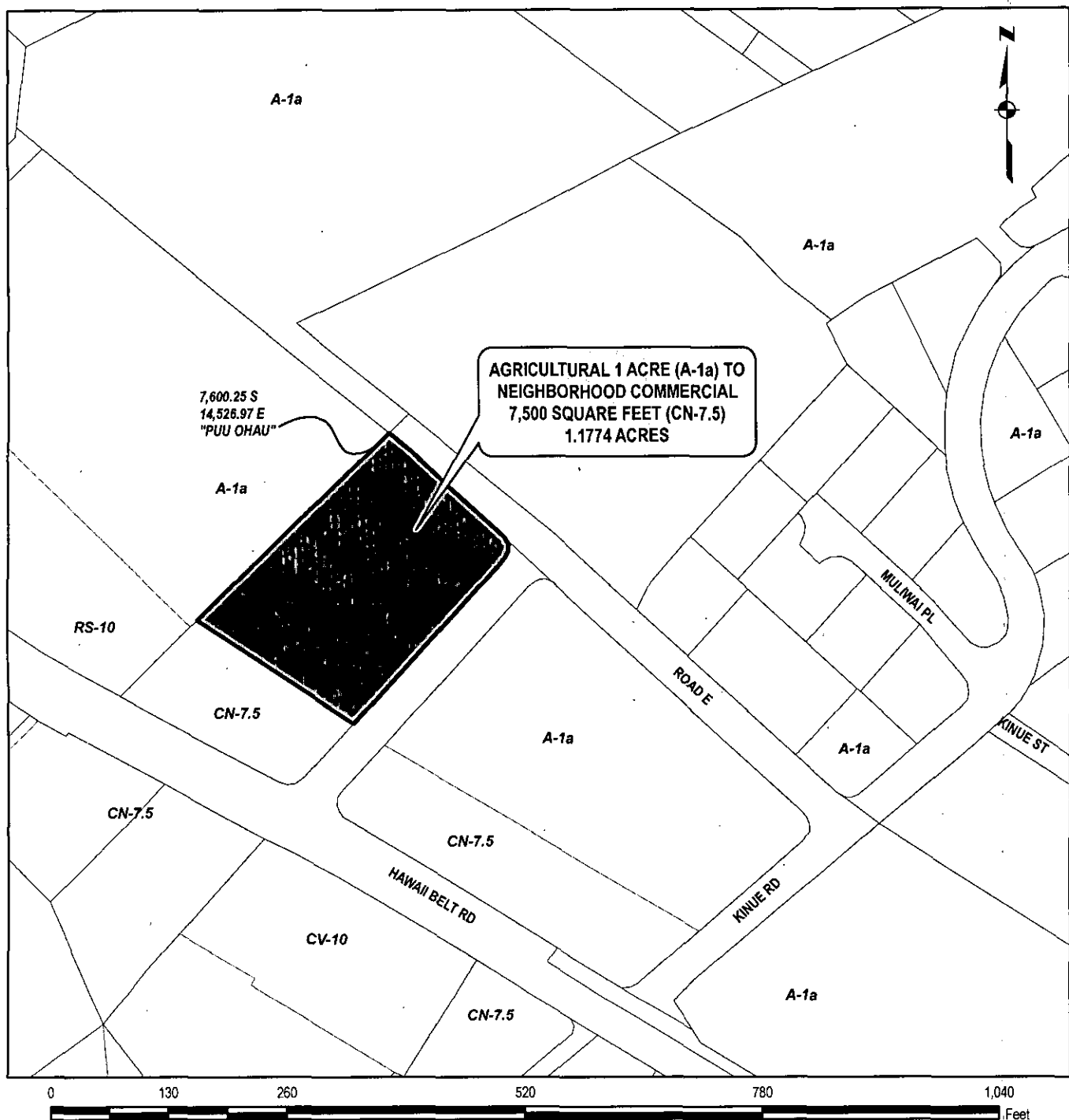
Date of Introduction:

Date of 1st Reading:

Date of 2nd Reading:

Effective Date:

REFERENCE: Comm. 1444.2



AMENDMENT TO THE ZONING CODE

AN ORDINANCE AMENDING ORDINANCE 465
 AMENDING SECTION 25-8-4 (SOUTH KONA ZONE MAP)
 ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE
 1983 (2005 EDITION), WHICH RECLASSIFIED THE DISTRICT CLASSIFICATION
 FROM AGRICULTURAL 1-ACRE (A-1a) TO
 NEIGHBORHOOD COMMERCIAL 7,500 SQUARE FEET (CN-7.5)
 AT KEALAKEKUA, SOUTH KONA, HAWAII

MAP PREPARED BY:
 COUNTY OF HAWAII, PLANNING DEPARTMENT

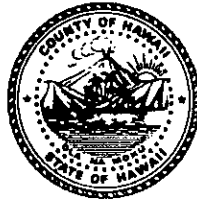
TMK: 8-2-013:Por. 002

DATE: July 16, 2008

EXHIBIT "A"

(Amy B. H. Greenwell:1249)
 Bill 364

COUNTY OF HAWAI'I



STATE OF HAWAI'I

BILL NO. 364

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 465 WHICH RECLASSIFIED LANDS FROM AGRICULTURAL – 1 ACRE (A-1a) TO NEIGHBORHOOD COMMERCIAL – 7,500 SQUARE FEET (CN-7.5) AT KEALAKEKUA, SOUTH KONA, HAWAI'I, COVERED BY TAX MAP KEY 8-2-13:PORTION OF 2.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Ordinance No. 479 is amended as follows:

“SECTION 1. Section [7.03] 25-8-4, Article [2] 8, Chapter [8] 25 (Zoning Code) of the Hawai'i County Code 1983 (2005 Edition), [~~as amended, is hereby further amended by adding hereto the following subsection~~] is amended to change the district classification of property described hereinafter as follows:

[~~7.03-(z)-~~] The district classification of the following area situated at Kealahou, South Kona, Hawai'i, shall be Neighborhood Commercial – 7,500 square feet (CN-7.5):

[~~This ordinance shall take effect forthwith upon the conditions that~~]

SECTION 2. In accordance with Section 25-2-44, Hawai'i County Code 1983 (2005 Edition), the County Council finds the following conditions are:

- (1) Necessary to prevent circumstances which may be adverse to the public health, safety and welfare; or
- (2) Reasonably conceived to fulfill needs directly emanating from the land use proposed with respect to:
 - (A) Protection of the public from the potentially deleterious effects of the proposed use, or

(B) Fulfillment of the need for public service demands created by the proposed use.

- ~~[(A) — the petitioner or his authorized representative shall submit a subdivision plan and secure tentative approval within one (1) year from the effective date of the approval of the change of zone. The petitioner/representative shall also be responsible for securing final subdivision approval;~~
- ~~(B) — construction of commercial structures shall commence on two (2) of the proposed lots within one (1) year of receipt of final subdivision approval. Construction shall be completed within two (2) years thereafter;~~
- ~~(C) — the requirements of the County Department of Water Supply shall be complied with; and~~
- ~~(D) — all other applicable rules, regulations, and requirements, including the “Plan Approval” process shall be complied with. Should any of the foregoing conditions not be met, rezoning of the area to its original or more appropriate zoning designation may be initiated.]~~

- A. The applicant, its successors or assigns shall be responsible for complying with all of the stated conditions of approval.
- B. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty (180) days from the effective date of this ordinance.

- C. Construction of the proposed development shall be completed within three (3) years from the effective date of this ordinance. Prior to construction, the applicant, successors or assigns shall secure Final Plan Approval for the proposed development from the Planning Director in accordance with Section 25-2-70, Chapter 25 (Zoning Code), Hawaii County Code. Plans shall identify all existing and/or proposed structures, paved driveway access and parking stalls associated with the proposed development. Landscaping shall also be indicated on the plans for the purpose of mitigating any adverse noise or visual impacts to adjacent properties in accordance with the requirements of Planning Department's Rule No. 17 (Landscaping Requirements).
- D. For construction of the visitor education center, the applicant may secure a shared access from the Department of Parks and Recreation through the parking lot of the Arthur Greenwell Park and Yano Hall. The applicant shall not compromise the future improvement of the road lot to dedicable standards meeting with the approval of the Department of Public Works. The applicant shall be required to provide improvements as listed in Condition E if parking is expanded beyond the initial Phase I representation, except for any additional public parking.
- E. For commercial uses other than the visitor education center, the applicant shall provide improvements to the road lot that runs along the entire southeast frontage of the subject property, consisting of an intersection with Mamalahoa Highway, 20-foot wide pavement lane and concrete curb, gutter and sidewalk, drainage improvements, and any relocation of utilities meeting with the approval of the Department of Public Works prior to Certificate of Occupancy.
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widening, curb, gutter and sidewalk, drainage improvements, utility relocations, signs and markings at no cost to the County. Access to Mamalahoa Highway shall be limited to one approach.

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I. A drainage study shall be prepared by a licensed civil engineer and submitted to the Department of Public Works prior to issuance of a construction permit. Any recommended drainage improvements, if required, shall be constructed meeting with the approval of the Department of Public Works prior to receipt of a Certificate of Occupancy.

J. All development generated runoff shall be disposed of on-site and shall not be directed toward any adjacent properties.

K. A Solid Waste Management Plan shall be submitted to the Department of Environmental Management for review and approval prior to the issuance of a Certificate of Occupancy.

L. If the applicant, successors, or assigns develops residential units on the subject property, the applicant shall make its fair share contribution to mitigate the potential regional impacts of the property with respect to parks and recreation, fire, police, solid waste disposal facilities and roads. The fair share contribution shall become due and payable prior to receipt of Final Plan Approval. The fair

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3. \$354.08 per multiple family residential unit (\$528.66 per single family residential unit) to the County to support fire facilities;
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M. Should the Council adopt a Unified Impact Fees Ordinance setting forth criteria for imposition of exaction or the assessment of impact fees, conditions included herein shall be credited towards the requirements of the Unified Impact Fees Ordinance.

N. To ensure that the Goals and Policies of the Housing Element of the General Plan are implemented, the applicant shall comply with the requirements of Chapter 11, Article 1, Hawaii County Code relating to Affordable Housing Policy. This requirement shall be approved by the Administrator of the Office of Housing and Community Development prior to final plan approval.

O. The applicant shall comply with all applicable County, State and Federal laws, rules, regulations and requirements.

P. If the applicant should require an additional extension of time, the Planning Director shall submit the applicant's request to the Planning Commission and the Hawaii County Council for appropriate action.

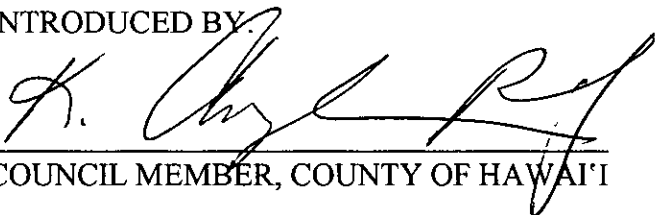
Q. Should any of the conditions not be met or substantially complied with in a timely fashion, the Director may initiate rezoning of the area to it original or more appropriate designation."

SECTION 2. Material to be deleted is bracketed and stricken. New material is underscored.

SECTION 3. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

Hilo, Hawai'i

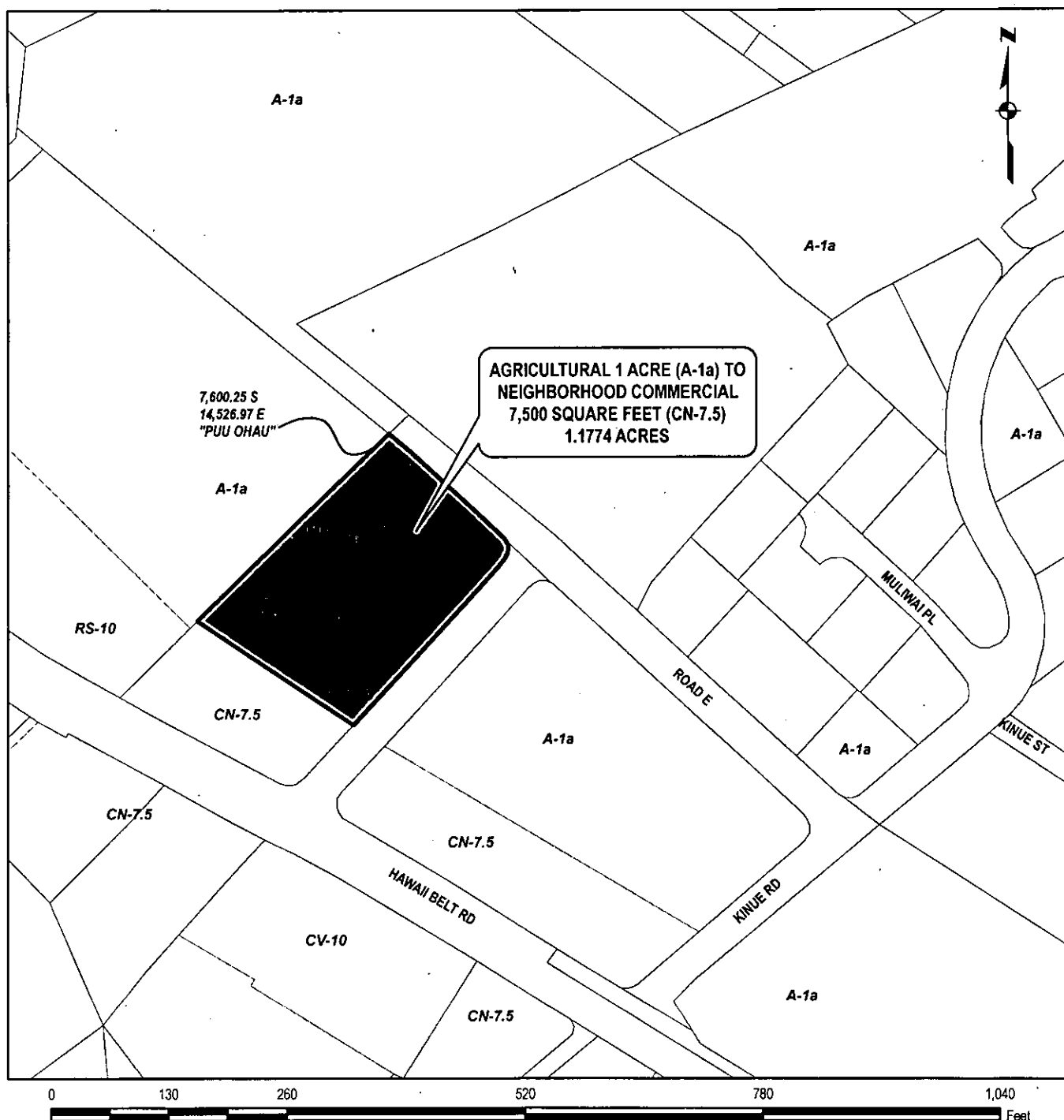
Date of Introduction:

Date of 1st Reading:

Date of 2nd Reading:

Effective Date:

REFERENCE: **Comm.** 1444/PC



AMENDMENT TO THE ZONING CODE

**AN ORDINANCE AMENDING ORDINANCE 465
AMENDING SECTION 25-8-4 (SOUTH KONA ZONE MAP)
ARTICLE 8, CHAPTER 25 (ZONING CODE) OF THE HAWAII COUNTY CODE
1983 (2005 EDITION), WHICH RECLASSIFIED THE DISTRICT CLASSIFICATION
FROM AGRICULTURAL 1-ACRE (A-1a) TO
NEIGHBORHOOD COMMERCIAL 7,500 SQUARE FEET (CN-7.5)
AT KEALAKEKUA, SOUTH KONA, HAWAII**

MAP PREPARED BY:
COUNTY OF HAWAII, PLANNING DEPARTMENT

TMK: 8-2-013:Por. 002

DATE: July 16, 2008

EXHIBIT "A"

(Amy B. H. Greenwell:1249)

Ordinances Numbered 08-149, 08-150, 08-151, 08-152, & 08-153

I hereby certify that the following Ordinances passed second and final reading at the meeting of the County Council on October 22, 2008, by vote, as listed below:

Ordinance 08-149 (Bill 353, Draft 2): An Ordinance Amending Chapter 18, of the Hawai'i County Code 1983 (2005 Edition, as Amended), Relating to Public Transportation. AYES: Council Members Ford, Ikeda, Jacobson, Pilago, and Chair Hoffmann – 5; NOES: None; ABSENT: Council Members Higa, Naeole, Yagong, and Yoshimoto – 4; EXCUSED: None.

Ordinance 08-150 (Bill 364, Draft 3): An Ordinance Amending Ordinance No. 465 Which Reclassified Lands From Agricultural – 1 Acre (A-1a) to Neighborhood Commercial – 7,500 Square Feet (CN-7.5) at Kealakekua, South Kona, Hawai'i, Covered by Tax Map Key 8-2-13:Portion of 2. AYES: Council Members Ford, Ikeda, Jacobson, Pilago, and Chair Hoffmann – 5; NOES: None; ABSENT: Council Members Higa, Naeole, Yagong, and Yoshimoto – 4; EXCUSED: None.

Ordinance 08-151 (Bill 365, Draft 2): An Ordinance Adopting the County of Hawai'i North Kohala Community Development Plan. AYES: Council Members Ford, Ikeda, Jacobson, Pilago, Yagong, and Chair Hoffmann – 6; NOES: None; ABSENT: Council Members Higa, Naeole, and Yoshimoto – 3; EXCUSED: None.

Ordinance 08-152 (Bill 368): An Ordinance Authorizing the Mayor of the County of Hawai'i to Enter Into an Intergovernmental Agreement for a State Water Pollution Control Revolving Fund Loan for Wastewater Public Improvement Projects; and Authorizing the Issuance of \$1,000,000 General Obligation Bonds of the County of Hawai'i for the Purpose of Financing Qualified Wastewater Public Improvements of the County of Hawai'i. AYES: Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 7; NOES: None; ABSENT: Council Members Higa and Yoshimoto – 2; EXCUSED: None.

Ordinance 08-153 (Bill 374): An Ordinance to Amend Ordinance No. 08-78, as Amended, the Operating Budget for the County of Hawai'i for the Fiscal Year Ending June 30, 2009. AYES: Council Members Ford, Ikeda, Jacobson, Naeole, Pilago, Yagong, and Chair Hoffmann – 7; NOES: None; ABSENT: Council Members Higa and Yoshimoto – 2; EXCUSED: None.


Casey Jarman
County Clerk

(Hawai'i Tribune-Herald – November 13, 2008)
(West Hawai'i Today – November 13, 2008)

Note: The original Digest/Affidavit is attached to Ordinance 08-149.